

SUBCHAPTER A—ORGANIZATION AND PROCEDURES

PART 2600—ORGANIZATION AND FUNCTIONS OF THE OFFICE OF GOVERNMENT ETHICS

Sec.

2600.101 Mission and history.

2600.102 Contact information.

2600.103 Office of Government Ethics organization and functions.

AUTHORITY: 5 U.S.C. App. (Ethics in Government Act of 1978); E.O. 12674, 54 FR 15159, 3 CFR, 1989 Comp., p. 215, as modified by E.O. 12731, 55 FR 42547, 3 CFR, 1990 Comp., p. 306.

SOURCE: 68 FR 41682, July 15, 2003, unless otherwise noted.

§ 2600.101 Mission and history.

(a) The Office of Government Ethics (OGE) was established by the Ethics in Government Act of 1978, Public Law 95-521, 92 Stat. 1824 (1978). OGE exercises leadership in the executive branch of the Federal Government to prevent conflicts of interest on the part of executive branch employees and resolve those conflicts of interest that do occur. In partnership with executive branch departments and agencies, OGE fosters high ethical standards for executive branch employees which, in turn, strengthens the public's confidence that the Government's business is conducted with impartiality and integrity.

(b) Originally an entity within the Office of Personnel Management, OGE became a separate executive branch agency on October 1, 1989, pursuant to section 3 of the Office of Government Ethics Reauthorization Act of 1988, Public Law 100-598, 102 Stat. 3031 (1988). OGE is the supervising ethics office for all executive branch officers and employees pursuant to the Ethics Reform Act of 1989, Public Law 101-194, 103 Stat. 1716 (1989), as amended by Public Law 101-280, 104 Stat. 149 (1990). Additionally, OGE has various responsibilities under Executive Order 12674 of April 12, 1989, "Principles of Ethical Conduct for Government Officers and Employees" (3 CFR, 1989 Comp., pp. 215-218), as modified by Executive Order 12731 of October 17, 1990 (3 CFR, 1990 Comp., pp. 306-311).

§ 2600.102 Contact information.

(a) *Address.* The Office of Government Ethics is located at 1201 New York Avenue, NW., Suite 500, Washington, DC 20005-3917. OGE does not have any regional offices.

(b) *Web site.* Information about OGE and its role in the executive branch ethics program as well as copies of publications that have been developed for training, educational and reference purposes are available electronically on OGE's Internet Web site (<http://www.usoge.gov>). The Web site has copies of various Executive orders, statutes, and regulations that together form the basis for the executive branch ethics program. The site also contains ethics advisory opinions and letters published by OGE, as well as other information pertinent to the Office.

(c) *Telephone numbers.* OGE's main telephone number is 202-482-9300. Persons who are deaf or speech impaired may contact OGE at the following TDD (Telecommunications Device for the Deaf and Speech Impaired) number: 202-482-9293. The main OGE FAX number is 202-482-9237.

§ 2600.103 Office of Government Ethics organization and functions.

(a) The Office of Government Ethics is divided into the following offices:

- (1) The Office of the Director;
- (2) The Office of General Counsel and Legal Policy;
- (3) The Office of Government Relations and Special Projects;
- (4) The Office of Agency Programs; and
- (5) The Office of Administration and Information Management.

(b) *Office of the Director.* The Director of the Office of Government Ethics is appointed by the President and confirmed by the Senate. The Director advises the White House and executive branch Presidential appointees on Government ethics matters; maintains a liaison and provides guidance on ethics to executive branch departments and agencies; and oversees and coordinates

all OGE rules, regulations, formal advisory opinions and major policy decisions. The Director also serves as a member of the President's Council on Integrity and Efficiency; the Executive Council on Integrity and Efficiency; the Integrity Committee; and on such other boards, councils, and committees as may be required by statute, Executive order or regulation. The Director represents the agency in various public outreach initiatives.

(c) *Office of General Counsel and Legal Policy.* (1) The Office of General Counsel and Legal Policy develops regulations and legislative proposals pertaining to conflict of interest statutes and standards of ethical conduct applicable to executive branch officers and employees, and executive branch public and confidential financial disclosure requirements. In addition, this Office provides advice and counseling to agency ethics officials through formal and informal advisory opinions, policy memoranda, and consultations. This Office also manages OGE's review and certification of financial disclosure reports filed by persons nominated by the President for positions requiring Senate confirmation; oversees the creation and operation of qualified and blind trusts and the issuance of certificates of divestiture; and responds to press inquiries.

(2) The General Counsel is the principal deputy of the Director of OGE, except as the Director expressly provides by written delegation.

(d) *Office of Government Relations and Special Projects.* The Office of Government Relations and Special Projects provides liaison to the Office of Management and Budget and to the Congress regarding legislative matters, coordinates OGE's support of U.S. Government efforts concerning international anticorruption and ethics initiatives, and is responsible for certain OGE special projects.

(e) *Office of Agency Programs.* (1) The Office of Agency Programs provides services to, and monitors, Federal executive branch agency ethics programs through three divisions: the Education Division, the Program Services Division, and the Program Review Division.

(i) The Education Division develops ethics-related, instructor-led and Web-

based training programs for executive agency ethics officials. The division also develops training for ethics officials to deliver to their employees. The division conducts annual surveys to determine the training needs of ethics officials and tailors its program to address those needs.

(ii) The Program Services Division is OGE's primary liaison to ethics officials in executive branch departments and agencies. Through its desk officers, the division assists ethics officials in developing, maintaining and improving all systems within their ethics programs. The division also discloses upon proper request copies of public financial disclosure reports that are filed with OGE, collects semiannual reports of payments accepted under 31 U.S.C. 1353, and works closely with ethics officials to ensure that annual and termination public financial disclosure reports and ethics agreements comply with ethics laws and regulations.

(iii) The Program Review Division monitors compliance with executive branch ethics laws and regulations in executive branch departments and agencies, regional offices, and military bases through on-site ethics program reviews. Reviews are conducted to identify and report strengths and weaknesses of agency ethics programs according to an annual program plan.

(2) In addition to the functions performed by its three divisions, the Office of Agency Programs holds an annual ethics conference and collects annual reports concerning certain aspects of agency ethics programs.

(f) *Office of Administration and Information Management.* The Office of Administration and Information Management provides support to all OGE operating programs through two divisions: The Administration Division and the Information Resources Management Division.

(1) The Administration Division is responsible for personnel, payroll, fiscal resource management, travel, procurement, and the publishing and printing of materials.

(2) The Information Resources Management Division is responsible for telecommunications, graphics, records management, program management of

Office of Government Ethics

§ 2601.103

information, and Web site technologies.

[68 FR 41682, July 15, 2003, as amended at 68 FR 62213, Nov. 3, 2003]

PART 2601—IMPLEMENTATION OF OFFICE OF GOVERNMENT ETHICS STATUTORY GIFT ACCEPTANCE AUTHORITY

Subpart A—General Provisions

Sec.

2601.101 Authority.

2601.102 Purpose.

2601.103 Policy.

2601.104 Relationship to other authorities.

2601.105 Definitions.

Subpart B—Guidelines for Solicitation and Acceptance of Gifts

2601.201 Delegation.

2601.202 Procedure.

2601.203 Conflict of interest analysis.

2601.204 Conditions for acceptance.

Subpart C—Accounting Requirements

2601.301 Accounting of gifts.

AUTHORITY: 5 U.S.C. App. (Ethics in Government Act of 1978).

SOURCE: 68 FR 60594, Oct. 22, 2003, unless otherwise noted.

Subpart A—General Provisions

§ 2601.101 Authority.

Section 2 of the Office of Government Ethics Authorization Act of 1996, amending the Ethics in Government Act of 1978, as codified at 5 U.S.C. app. 403(b), authorizes the Office of Government Ethics (OGE) to accept and utilize gifts for the purpose of aiding or facilitating the work of OGE.

§ 2601.102 Purpose.

The purpose of this part is to establish guidelines governing the implementation of OGE's gift authority by defining its scope and application, by prescribing the policies, standards and procedures that govern the solicitation, acceptance and use of gifts, and by setting forth accounting requirements related to the use of this authority.

§ 2601.103 Policy.

(a) *Scope.* The Office of Government Ethics may use its statutory authority to solicit, accept and utilize gifts to the agency that aid or facilitate the agency's work. The authority to solicit, accept and utilize gifts includes the authority to receive, administer, spend, invest and dispose of gifts. Gifts to the agency from individuals or organizations can be a useful adjunct to appropriated funds and may enhance the agency's ability to fulfill its mission, as well as further mutually beneficial public/private partnerships, or other useful arrangements or relationships. Such uses of this authority are appropriate provided that solicitation or acceptance of a gift does not compromise the integrity of OGE, its programs or employees.

(b) *Use of gifts.* Gifts to OGE may be used to carry out any activity that furthers the mission, programs, responsibilities, functions or activities of the agency. Gifts may be used to carry out program functions whether or not appropriated funds are available for that purpose, provided that such expenditures are not barred by law or regulation. Gifts may also be used for official travel by employees to events or activities required to carry out the agency's statutory or regulatory functions. Gifts to the agency may also be used for the travel expenses of spouses accompanying employees on official travel, if such travel could be paid for by appropriated funds.

(c) *Sources.* Generally, gifts may be solicited or accepted from any source, including a prohibited source, provided that the standards of this part are met. Gifts generally should be made directly to the agency and not through intermediaries. However, where a gift is offered by an intermediary, both the intermediary and the ultimate source of the gift should be analyzed to determine whether acceptance would be appropriate.

(d) *Endorsement.* Acceptance of a gift pursuant to this part shall not in any way be deemed to be an endorsement of the donor, or the donor's products, services, activities, or policies. Letters to a donor expressing appreciation of a gift are permitted.